



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings on Various Parcels Throughout the City

MEETING DATE: November 6, 1996

PREPARED BY: Public Works Director


RECOMMENDED ACTION: That the City Council adopt the attached resolution declaring weeds a public nuisance and initiating abatement proceedings on various parcels throughout the City and set the matter for public hearing at the regular City Council meeting of December 18, 1996.

BACKGROUND INFORMATION: In the fall and early winter, the Public Works Department notifies property owners to remove tumbleweeds on property they own within the City limits. This year, the notices were sent out earlier in hopes of destroying the tumbleweeds before reseeding occurs.

The Public Works Department rather than the Fire Department does the notification for removal of these weeds because the growing season is later and they are not considered a fire hazard. There were thirty-two letters sent to property owners this season. Twenty-one of the owners notified to abate the tumbleweeds have done so. However, there are a few parcels within the City that are not now in compliance with weed abatement requirements. Those are shown on the attached Exhibit A.

Because of the hazards these tumbleweeds cause on City streets, it is recommended that Council adopt the attached resolution as provided under the State of California Government Code Section 39501, et seq. The subject resolution also calls for a public hearing to be held at the regular City Council meeting of December 18, 1996, concerning this matter.

FUNDING: None required.


Jack L. Ronsko
Public Works Director

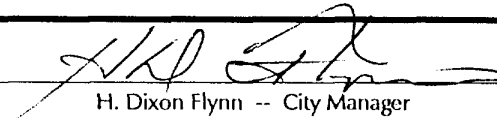
Prepared by Sharon Blaufus, Administrative Assistant

JLR/SB/lm

Attachments

cc: City Attorney
Street Superintendent

APPROVED: _____


H. Dixon Flynn -- City Manager

PARCELS WITH EXISTING TUMBLEWEEDS		
Owner's Name/Address	APN #	Situs Address
Geweke Family Trust 1045 S. Cherokee Lane Lodi, CA 95240	049-070-78	1150 S. Beckman Road
John Donovan et al 225 West Elm Street Lodi, CA 95240	049-180-13 049-170-22	1127 Black Diamond Way 804 Black Diamond Way
Kettleman II, PTP 301 S. Ham Lane, Suite A Lodi, CA 95242	058-160-50 058-160-51	2122 W. Kettleman Lane 2132 W. Kettleman Lane
Ida Hoffman, et al 1635 Edgewood Drive Lodi, CA 95240	049-180-22 049-180-23 049-180-24 049-180-25	1026 Black Diamond Way 1020 Black Diamond Way 1014 Black Diamond Way 1008 Black Diamond Way
Cye G. Vaughan 224 1/2 Sage Street Elko, NV 89801	049-160-06 049-160-07	927 Industrial Way 1005 Industrial Way
Robert & H. I. Munyon 7787 E. Jahant Road Acampo, CA 95220	062-190-10	1841 Ackerman Drive
Anastasios & C. Pappous 5395 Entrada Olmos San Jose, CA 95123	062-410-18	2507 Maggio Circle
Von Koenig, Stark Investment 3900 McHenry Avenue Modesto, CA 95356	062-410-20	139 East Harney Lane
John & Joanne Donovan P. O. Box 456 Lodi, CA 95241	049-170-21 049-170-22	430 N. Beckman Road 810 Black Diamond Way

RESOLUTION NO. 96-163

RESOLUTION DECLARING WEEDS A PUBLIC NUISANCE
AND INITIATING ABATEMENT PROCEEDINGS ON VARIOUS
PARCELS THROUGHOUT THE CITY

RESOLVED by the City Council of the City of Lodi that:

1. The Council elects to proceed under Government Code §§ 39501-39588 to declare as a public nuisance and abate:

- a) all weeds growing upon streets, sidewalks and private property in the City;
and
- b) all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City.

In this resolution and in all subsequent proceedings, weeds means weeds which, when mature, bear wingy or downy seeds which will attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, and includes sagebrush, chaparral, poison oak and poison ivy, when the conditions of growth are such as to constitute a menace to the public health, dry grass, stubble, brush, litter and all other flammable material which endangers the public safety by creating a fire hazard.

2. The City Council declares as a public nuisance:
 - a) all weeds growing upon the streets, sidewalks and private property in the City; and
 - b) all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City.
3. The properties upon which or in front of which the nuisance declared in paragraph 2 exist are described in EXHIBIT "A" attached hereto and made a part hereof by reference. The Council finds and declares that weeds on or in front of the parcel specified in EXHIBIT "A" are seasonal and recurrent in nature. In accordance with Government Code §39562.1, the seasonal and recurrent nuisances shall be abated under §§39501-39588 and upon the second and subsequent occurrence in the same calendar year, no further hearings will be held and notice shall be by mailing a post card as provided in §39562.1.
4. The Public Works Director is the person designated to perform the duties imposed by Government Code §§39560-39588 upon the Superintendent, and all references in these proceedings to Superintendent means that person.

5. Wednesday, December 18, 1996 at the hour of 7:00 o'clock p.m. in the Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, is fixed as the time and place for hearing all objections to the proposed removal of weeds, rubbish, refuse and dirt.
6. The Superintendent shall prepare notices as follows, and the heading of the notice shall read "Notice to destroy weeds and remove rubbish, refuse and dirt" in letters not less than 1" in height. The notice shall be substantially in the following form:

NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND DIRT

Notice is hereby given that on the 6th day of November, 1996, the City Council of the City of Lodi passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the City and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse, and dirt are hereby notified to attend a meeting of the Lodi City Council to be held in the Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California on December 18, 1996 at the hour of 7:00 o'clock p.m. when their objections will be heard and given due consideration.

Dated this 6th day of November, 1996.

Street Superintendent
Director of Public Works
City of Lodi

7. The City Clerk shall mail written notice of the proposed abatement pursuant to Government Code §39567.1 to all persons owning property described in paragraph 3 of this resolution. The notice shall be mailed to each person to whom the property is assessed as shown on the last equalized assessment roll. The City Clerk shall mail the notice at least 5 days before the time set for the hearing. the notice shall be in substantially the form described above in paragraph 6 and shall be signed by the City Clerk. The notice need not contain the heading in 1" letters.

Dated: November 6, 1996

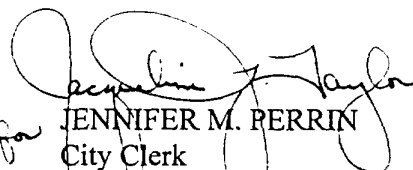
I hereby certify that Resolution No. 96-163 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 6, 1996, by the following vote:

AYES: COUNCIL MEMBERS - Davenport, Mann, Pennino, Sieglock
and Warner (Mayor)

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None


for JENNIFER M. PERRIN
City Clerk

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Kettleman II, PTP 301 S. Ham Lane, Suite A Lodi, CA 95242	058-160-50 058-160-51	2122 W. Kettleman Lane 2132 W. Kettleman Lane
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Anastasios & C. Pappous 5395 Entrada Olmos San Jose, CA 95123	062-410-18	2507 Maggio Circle
Von Koenig, Stark Investment 3900 McHenry Avenue Modesto, CA 95356	062-410-20	139 East Harney Lane
John & Joanne Donovan P. O. Box 456 Lodi, CA 95241	049-170-21 049-170-22	430 N. Beckman Road 810 Black Diamond Way
Apache Plastics LP 2050 E. Fremont St. Stockton, CA 95205	049-070-57	300 South Beckman Road
	AMENDED	

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	AMENDED	



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: December 18, 1996

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, December 18, 1996** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Declaring weeds a public nuisance and initiating abatement proceedings on various parcels throughout the City

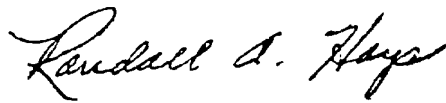
All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, P.O. Box 3006, at or prior to the Public Hearing.


Jennifer M. Perrin
City Clerk

Dated: November 6, 1996

Approved as to form:


Randall A. Hays
City Attorney



DECLARATION OF MAILING

Public Hearing: Declaring weeds a public nuisance and initiating abatement proceedings

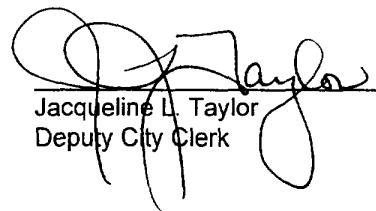
On November 7, 1996 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 7, 1996, at Lodi, California.

Jennifer M. Perrin
City Clerk



Jacqueline L. Taylor
Deputy City Clerk

Linda S. Nichols
Administrative Clerk

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